

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARK EDWARD KEARNEY,

PLAINTIFF,

v.

JPC EQUESTRIAN, INC.,

DEFENDANT.

No. 3:11-CV-01419

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW this 26th day of March, 2012, upon review of the Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 42) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 42) is **ADOPTED**.
- (2) Defendant's Motion to Dismiss Plaintiff's Complaint (Doc. 1) will be **GRANTED** and all claims other than Plaintiff's claims for breach of contract set forth in paragraphs 1-4 of the Complaint will be **DISMISSED WITHOUT PREJUDICE**.
- (3) This matter is **RECOMMITTED** to Magistrate Judge Carlson.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge